

CHAPTER NO. 138

HOUSE BILL NO. 3347

By Representative Ford

Substituted for: Senate Bill No. 3323

By Senator Haun

AN ACT to amend the charter of the City of Morristown relative to city council qualifications and elections, biennial elections and qualifications of electors and qualifications and duties of the mayor, and to amend Chapter 103 of the Acts of 1903 as amended by Chapter 502 of the Acts of 1907, Chapter 84 of the Private Acts of 1915, Chapter 640 of the Private Acts of 1917, Chapter 792 of the Private Acts of 1927, Chapter 581 of the Private Acts of 1929, Chapter 527 of the Private Acts of 1941, Chapter 266 of the Private Acts of 1945, Chapter 206 of the Private Acts of 1947, Chapter 112 of the Private Acts of 1963, Chapter 487 of the Private Acts of 1968, Chapter 269 of the Private Acts of 1978, and all other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 103 of the Acts of 1903, as amended by Chapter 502 of the Acts of 1907, Chapter 792 of the Private Acts of 1927, Chapter 266 of the Private Acts of 1945, Chapter 206 of the Private Acts of 1947, Chapter 269 of the Private Acts of 1978, and all other acts amendatory thereto, is amended by deleting section 2 in its entirety and by substituting instead the following new section:

Section 2. City Council

There shall be a city council, which shall consist of a mayor and six (6) council members, who shall be elected by the qualified voters of the city to serve for a term of four (4) years, and until their successors are elected and qualified, except that the at-large council member receiving the lesser number of votes of the two (2) at-large council members shall serve one (1) term of two (2) years commencing the second Monday in May of 2003 and expiring the second Monday in May of 2005, thereafter said term to be four (4) years.

No person shall be elected to the council unless they are a citizen of the State of Tennessee, and a bona fide resident of the city. One (1) council member shall be elected from each of the four (4) wards of the city, as said wards are modified by reapportionment, which reapportionment shall be accomplished by the governing body based upon the 2000 census and shall thereafter be accomplished as required by law, and such council member shall be a resident of that ward, and two (2) council members shall be elected at large and may reside in any city ward, but all of the council members shall be voted for and elected by the voters of all wards of the city.

Any person elected to the city council who removes from the city shall thereby vacate his office.

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council shall be filled by a vote of a majority of the remaining members thereof.

SECTION 2. Section 3 of Chapter 103 of the Acts of 1903, as amended by Chapter 84 of the Private Acts of 1915, Chapter 640 of the Private Acts of 1917, Chapter 792 of the Private Acts of 1927, Chapter 581 of the Private Acts of 1929, Chapter 527 of the Private Acts of 1941, Chapter 206 of the Private Acts of 1947, Chapter 112 of the Private Acts of 1963, Chapter 487 of the Private Acts of 1968, Chapter 269 of the Private Acts of 1978, and all other acts amendatory thereto, is amended by deleting section 3 in its entirety and by substituting instead the following new section:

Section 3. Biennial Elections; Qualifications of Electors; Qualifications and Duties of Mayor

Beginning in the year 2003, the council members representing the second and fourth wards, the mayor and two (2) at-large council members shall be elected at elections to be held on the first Tuesday in May for four (4) year terms which expire on the second Monday of May, 2007, and the second Monday of May of each fourth year thereafter, except that the at-large council member receiving the lesser number of votes of the two (2) at-large council members shall serve one (1) term of two (2) years commencing the second Monday in May of 2003 and expiring the second Monday in May of 2005, thereafter said term to be four (4) years.

Beginning in the year 2005, the two (2) council members representing the first and third wards and the at-large council member who served an initial two (2) year term shall be elected at elections to be held on the first Tuesday in May for four (4) year terms which expire on the second Monday of May, 2009 and the second Monday of May of each fourth year thereafter.

Every person entitled to vote for members of the General Assembly by the laws of the State and who shall have been a bona fide resident within the corporate limits for thirty (30) days next preceding the election shall be entitled to vote therein.

Nonresidents holding a freehold within the corporate limits of an assessed valuation of one hundred dollars (\$100) or other property subject to corporation taxes amounting to one hundred dollars (\$100) or over, shall be entitled to vote at said election. Said election shall be held as now provided by the laws of the State of Tennessee for such elections.

No person shall be elected mayor who is not at the time of his election a citizen of the State of Tennessee, and a bona fide resident of the city. When two (2) or more shall have an equal number of votes for the office of mayor, the election shall be decided by a majority of the votes of the council-elect. A vacancy in the office of mayor shall be filled in the same manner. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before entering upon the duties of the same and to call special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer.

SECTION 4. All provisions of law in conflict herewith are repealed.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall not take effect unless the same shall have been approved by a majority of the number of qualified voters of the City of Morristown voting in an election on the question of whether or not this act shall be approved, said election to be held on the first Tuesday in November 2000. The ballots used in the election shall have printed on them the substance of this act and voters shall vote for or against its approval. The qualifications of voters voting on the question shall be the same as those required for participation in voting in city elections. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this act.


SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

PASSED: May 25, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 31st day of May 2000


DON SUNDQUIST, GOVERNOR